

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:
Shara D. Sudol



Order Filed on November 22, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-16596-CMG
Adv. No.:
Hearing Date:
Judge: Christine M. Gravelle

CONSENT ORDER

The relief set forth on the following pages, numbered two (2) through _____⁶ is hereby **ORDERED**.

DATED: November 22, 2019


Honorable Christine M. Gravelle
United States Bankruptcy Judge

DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT

**Caption in Compliance with D.N.J. LBR
9004-1(b)**

Maria D. Ramos-Persaud, Esq. - 028271998
GROSS POLOWY, LLC
Formed in the State of Delaware
2500 Plaza 5, Suite 2548
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(716)204-1700
E-mail: mramos-persaud@grosspolowy.com
Attorneys for The Money Source Inc.

In Re:

SHARA D. SUDOL,

Debtor.

Case No.: 19-16596-CMG

Judge: Christine M. Gravelle

Chapter: 13

**CONSENT ORDER VACATING THE AUTOMATIC STAY TO ALLOW
MORTGAGEE TO PROCEED WITH ITS FORECLOSURE ACTION**

WHEREAS, Shara D. Sudol filed a petition for relief under Chapter 13 of the United States Bankruptcy Code on April 1, 2019; and

WHEREAS, on June 27, 2014 Michael A. Green executed and delivered to Infinite Mortgage Services LLC a Note in the original principal amount of \$164,465.00, which was secured by a Purchase Money Mortgage of even date to Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Infinite Mortgage Services LLC, and said mortgage was recorded on July 1, 2014 In the Burlington County Clerk's Office in Book OR13130 at Page 9392, as Instrument Number 5072543; and

WHEREAS, the Purchase Money Mortgage encumbers all that certain real property commonly known as 11 MINIATURE LANE, WILLINGBORO, NJ 08046, and also known as

LOT 28, BLOCK 520 as shown on the Tax Map of the Municipality of Willingboro Township, Burlington County, New Jersey, including all improvements thereon; and

WHEREAS, the Purchase Money Mortgage was assigned as follows: (1) to Mortgage Electronic Registration Systems, Inc., and recorded on December 3, 2018 in the Burlington County Clerk's Office in Book OR13365 at Page 5144, as Instrument Number 5426323; and (2) to The Money Source Inc., and recorded on May 7, 2019 in the Burlington County Clerk's Office in Book OR13386 at Page 925, as Instrument Number 5455980; and

WHEREAS, Michael A. Green defaulted under the terms of the Loan Documents on November 1, 2018, and failed to cure said default after due notice was provided; and

WHEREAS, on May 24, 2019, The Money Source Inc. commenced a foreclosure action against Michael A. Green, et. al. docket number F-009701-19, seeking to foreclose on the Purchase Money Mortgage; and

WHEREAS, due to Michael A. Green's default and the acceleration at the time of the commencement of the action there was due, owing and payable to The Money Source Inc. under the Note and Mortgage: (i) \$194,452.96 in principal; (ii) accrued and unpaid interest at the contract and default rates; (iii) late charges; (iv) a prepayment premium, if applicable; (v) attorneys' fees, costs and expenses; and (vi) all other sums provided for under the Note and Mortgage including taxes, assessments, insurance premiums, escrow and/or other charges affecting the mortgaged premises; and

WHEREAS, debtor Shara Sudol is a judgment creditor of Michael Green pursuant to judgment number J-090189-2009 entered on April 7, 2009 in favor of Raymond Sudol and Shara Sudol, and against Michael Green, individually, et al, in the sum of \$29,831.25, plus fees and costs in the sum of \$6,791.70; and

WHEREAS, pursuant to N.J.S.A. 46:9-8, The Money Source Inc.'s Purchase Money Mortgage has priority over debtor Shara Sudol's judgment lien; and

WHEREAS, debtor Shara Sudol was listed as a party defendant in the foreclosure action by virtue of the judgment entered in the Superior Court of New Jersey in her favor as a named Creditor and against Michael Green as a debtor, and to foreclose on said judgment lien; and

WHEREAS, The Money Source Inc. wishes to proceed with their foreclosure matter against Michael A. Green; and

WHEREAS, debtor Shara Sudol and The Money Source Inc. wish to enter into this agreement to propose the modification of the automatic stay to permit The Money Source Inc. to commence and/or proceed with the foreclosure action against Michael A. Green to foreclose said mortgage lien which encumbers all that certain real property commonly known as 11 MINIA TURE LANE, WILLINGBORO, NJ 08046, and also known as LOT 28, BLOCK 520 as shown on the Tax Map of the Municipality of Willingboro Township, Burlington County, New Jersey, and to foreclose on debtor Shara Sudol's judgment lien;

NOW THEREFORE, it is hereby agreed, stipulated and consented by the parties as follows:

1. That the automatic stay imposed by Section 362 of the Bankruptcy Code be terminated as to The Money Source Inc. so as to permit it to proceed with the foreclosure action in State Court against Debtor Shara Sudol, which seeks to foreclose on the debtor's judgment lien entered on April 7, 2009 against Michael Green pursuant to judgment number J-090189-2009; and
2. That The Money Source Inc., its successors or assignees, may proceed with its right and remedies under the terms of the subject purchase money mortgage and pursue

its state court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including but not limited to, a loan modification, short sale or deed-in-lieu foreclosure; additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement to possession of the property; and

3. That if after the sale and satisfaction of Michael A. Green's Purchase Money Mortgage debt, including costs and expenses, there remains any surplus money, the money will be deposited into the Superior Court Trust Fund and The Money Source Inc. shall notify the Trustee of said surplus proceeding; and
4. That the movant may join the debtor and any trustee appointed in this case as defendants in its foreclosure action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.
5. That the terms of this agreement shall be binding upon all of the successor and assigns of The Money Source Inc.; and
6. That the foregoing represents the entire agreement of the parties and no modification amendment or extension thereof shall be valid, unless in writing, signed by all signatories to this agreement; and
7. That this consent order may be executed in one or more counterparts by facsimile or e-mail, each of which shall be deemed to be an original, but all of which together shall constitute one and the same documents; and
8. That a fully executed copy of this Consent Order shall be deemed the original for the purposes of filing same with the Court, and that facsimile signatures shall have the same force and effect as the original signatures, and That the terms of this

consent order shall be subject to the approval of the Bankruptcy Court, and that either party may submit said consent order to the court for approval.

9. The movant shall serve a copy of the entered Consent Order on the debtor, any trustee and any other party who entered an appearance on the application.

Dated: 10/6/19

KEAVENEY LEGAL GROUP, LLC
Attorneys for Debtor Shara D. Sudol


By: Joshua Humphries, Esq.

Dated: 10/21/19

GROSS POLOWY, LLC
Attorneys for The Money Source Inc.

/s/ Maria D. Ramos-Persaud
By: Maria D. Ramos-Persaud, Esq.

Certificate of Notice Page 7 of 7
United States Bankruptcy Court
District of New Jersey

In re:
Shara D. Sudol
Debtor

Case No. 19-16596-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Nov 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 24, 2019.

db +Shara D. Sudol, 160 Rutledge Court North, Matawan, NJ 07747-9723

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 24, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 22, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Cascade Funding Mortgage Trust 2017-1
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua Humphries on behalf of Debtor Shara D. Sudol jhumphries@keaveneylegalgroup.com,
jday@keaveneylegalgroup.com;r46514@notify.bestcase.com
Julie Cascino on behalf of Creditor The Money Source jcascino@grosspolowy.com,
ecfnotices@grosspolowy.com
Keri P. Ebeck on behalf of Creditor Specialized Loan Servicing, LLC, as Servicer for Cascade
Funding Mortgage Trust 2017-1 kebeck@bernsteinlaw.com, jblue@bernsteinlaw.com
Kevin Gordon McDonald on behalf of Creditor Cascade Funding Mortgage Trust 2017-1
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Maria D. Ramos-Persaud on behalf of Creditor The Money Source mramos-persaud@grosspolowy.com,
ecfnotices@grosspolowy.com
Maria D. Ramos-Persaud on behalf of Creditor The Money Source, Inc.
mramos-persaud@grosspolowy.com, ecfnotices@grosspolowy.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9